



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,170	12/15/2000	Leroy B. Keely	03797.00086	8089

22907 7590 04/23/2003

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
----------	--------------

2675

16

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,170

Applicant(s)

KEELY ET AL.

Examiner

Srilakshmi K. Kumar

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following office action is in response to Amendment A, filed on January 31, 2003. Claims 1-27 are pending. Claims 1, 16 and 25 have been amended.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran et al (US 5,404,439) in view of Fitzpatrick et al (US 5,546,527).

As to independent claims 1 and 16, Moran et al disclose a method for operating a digitizer capable of measuring the duration of a user input and capable of detecting movement, comprising the steps of: receiving user input (col. 3, lines 21-40); classifying the user input by using at least one of a time threshold (col. 17, lines 25-35) and a movement threshold; and, performing an action based on the user input (col. 5, lines 1-38). Fitzpatrick et al disclose in Fig. 5A and col. 5, line 31-col. 6, line 20, where the digitizer is capable of measuring the duration of the user input and classifying the user input using a time threshold. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

Art Unit: 2675

As to independent claims 2, 9, 17, and 24, limitations of claims 1 and 16 and further comprising, a method of classifying a user's input to a computer comprising the steps of: receiving a user's input (col. 3, lines 21-40); classifying the user's input as one of a stroke; a tap, a hold, or a hold and drag based on at least one of the input satisfying a first move threshold, a time threshold, and a second move threshold (col. 17, lines 25-35, col. 5, lines 5-13, col. 7, lines 37-61).

As to independent claim 10, a method of implementing a stroke input to a computer comprising the steps of: determining whether said stroke input started on a draggable object; determining whether said stroke input satisfies a drag threshold; in response to said first determining step and said second determining step, dragging said draggable object (col. 5, lines 22-38, col. 9, lines 5-65). Moran et al do not disclose where the stroke input started on a draggable object. Fitzpatrick et al disclose in col. 3, lines 34-57 where objects are draggable. It would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

As to independent claim 11, a method of implementing a stroke input to a computer comprising the steps of: determining that said stroke input did not start on a draggable object; determining that location of said stroke input is inkable; and, adding ink to said location (col. 5, lines 22-38, col. 9, lines 5-65). Moran et al do not disclose where the stroke input started on a draggable object. Fitzpatrick et al disclose in col. 3, lines 34-57 where objects are draggable. It

Art Unit: 2675

would have been obvious to one of ordinary skill in the art to incorporate the system of Fitzpatrick et al into that of Moran et al as they both disclose digitizers using time thresholds. Fitzpatrick et al are advantageous as they disclose where time measurement is taken during the hold and drag to determine whether the user input is positioned correctly as disclosed in col. 5, line 31-col. 6, line 20.

As to independent claim 13, limitations of claims 1, 10 and 11, and further comprising, a method of implementing a tap input to a computer comprising the steps of: determining at least one of whether a location of said tap includes wet ink, whether said location is in an inline space, whether said location includes a selectable object, and whether said object was previously selected (col. 4, lines 15-60); and performing at least one of- adding a dot of ink, selecting said selectable object, placing an insertion point in said inline space, or performing an action associated with said object (col. 5, lines 21-38).

As to independent claim 25, limitations of claims 1 and 16, and further comprising, a system for acting on user input to a computer comprising: a stylus (col. 3, lines 24-27) a digitizer including a display (col. 3, lines 14-18), a processor (col. 3, lines 58-65); wherein said digitizer receives a user input via contact between said stylus and said digitizer and wherein said processor classifies the user input by using at least one of a time threshold and a movement threshold and wherein said processor performs an action based on the user input (col. 5, lines 5-13, col. 7, lines 37-61, col. 17, lines 25-35).

As to dependent claims 3 and 18, limitations of claims 2 and 16, and further comprising, wherein said classifying step is based on at least two of the input satisfying said first move

Art Unit: 2675

threshold, said time threshold, and said second move threshold (col. 17, lines 25-35, col. 5, lines 5-38).

As to dependent claims 4 and 18, limitations of claims 2 and 16, and further comprising, wherein said classifying step is based on the input satisfying said first move threshold, said time threshold, and said second move threshold (col. 17, lines 25-35, col. 5, lines 5-38).

As to dependent claims 5 and 20, limitations of claims 2 and 16, and further comprising, wherein, if said input satisfies said first move threshold, the input is classified as a stroke (col. 9, line 60-63, col. 11, line 20-col. 12, line 52).

As to dependent claims 6 and 21, limitations of claims 2 and 16, and further comprising, wherein, if said input does not satisfy said first move threshold and said input does not satisfy said time threshold, the input is classified as a tap (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claims 7 and 22, limitations of claims 2 and 16, and further comprising, wherein, said input does not satisfy said time threshold and said input does not satisfy said second move threshold, said input is classified as a hold (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claims 8 and 23, limitations of claims 2 and 16, and further comprising, wherein, if said input does not satisfy said time threshold and said input satisfies said second move threshold, said input is classified as a hold and drag (col. 3, lines 20-40, col. 6, lines 37-62, col. 9, lines 5-65).

As to dependent claim 12, limitations of claim 11, and further comprising, wherein said adding ink step includes at least one of drawing, writing, or annotation (col. 3, lines 21-40).

Art Unit: 2675

As to dependent claim 14, limitations of claim 7, further comprising the step of:
simulating a right mouse click (col. 3, lines 24-27).

As to independent claim 15, see limitations of claim 10.

As to dependent claim 27, limitations of claim 25, and further comprising, wherein said
action outputs information to said display (col. 3, lines 14-18).

Response to Arguments

3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in
view of the new ground(s) of rejection.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label

“PROPOSED” or DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA, Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575.
The examiner can normally be reached on 8:00 am to 4:30 pm.


Art Unit: 2675

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven J. Saras can be reached on 703 305 9720. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 308 9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 4700.

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
April 19, 2003


STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600